
**Agriculture & Natural Resources
Committee**

HB 1725

Brief Description: Directing the forest practices board to develop a single-tier buffer rule for small acreage timber harvests.

Sponsors: Representatives Van De Wege, Orcutt, Takko, Kretz, Blake and Kessler.

Brief Summary of Bill

- Requires the Forest Practices Board to develop a single-tier riparian buffer rule that can be used as a site-specific alternative to the default provisions of the forest practices rules.

Hearing Date: 2/19/09

Staff: Jason Callahan (786-7117)

Background:

History of the Forests and Fish Law.

The Forest and Fish Report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office on February 22, 1999. The report contained the recommendations for the development and implementation of rules, statutes, and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The report was authored by various stakeholders, including the federal government, state government, tribal governments, and various interest and constituency groups. The rules proposed in the report were designed to provide compliance with the Endangered Species Act, restore and maintain minimum riparian habitat to support a harvestable supply of fish, meet Clean Water Act standards, and keep the timber industry economically viable.

In 1999 the Legislature recognized the Forest and Fish Report by passing the Forests and Fish Law [Chapter 004, Laws of 1999, 1st Sp. Sess.]. The law directed the Forest Practices Board

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(Board) to adopt emergency rules implementing the recommendations of the Forest and Fish Report. In the years since, the resulting forest practices rules have been adopted and assurances from the federal government have been obtained. The assurances provide some certainty that forestry operations conducted in compliance with the rules will be protected from liability under the Endangered Species Act.

Alternate Plans.

As part of the Forest and Fish Law, the Legislature directed the Board to condition the adopted rules in such a manner that allows forest practices applicants to propose harvest plans as an alternative to the default rules. These alternative plans are to be developed in response to site-specific physical features and must provide protection to public resources that is equal to the standard harvest rules adopted by the Board. The Board is directed to consult with the Department of Natural Resources' Small Forest Landowner's Office in developing alternate harvest restrictions for small forest landowners.

Summary of Bill:

The Forest Practices Board is required to develop a single-tier riparian buffer rule that can be used as a site-specific alternative to the default provisions of the forest practices rules. The single-tier buffer rule must be applicable to harvest occurring on sites that are 20 acres in size or smaller. The rule must provide for a single 75-foot wide buffer along both sides of a fish bearing stream that is 10 feet wide or smaller, and a single 100-foot wide buffer on both sides of a fish bearing stream that is greater than 10 feet in width.

Appropriation: None.

Fiscal Note: Requested on 2/11/09.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.